



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2887
#12/Response
Biquay
2/25/03

Application number: 09/736,351

Application filed: 15 December 2000

Applicant: Wendel Dean Renner

Title: Radiation Therapy Dosimetry Quality Control Process

Art Unit: 2882

Examiner: Therese Barber

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**Amendment C:
Submission of Response to Office Action of Jan. 9, 2003
Remarks**

Honorable Commissioner for Patents
Washington, D.C. 20231

In response to the Office Action dated 1/9/2003:

Remarks:

We respectfully submit that Olivera et. al. (USPN 6,438,202 B1) does not precede our claim.

In (3) of the Detailed Action of 1/9/2003 it is stated that "Olivera discloses the process of utilizing a radiotherapy machine to verify the radiation dose to a patient from a plurality of the radiation beam comprised of measuring the output of the intended treatment beam over the area of the radiation beam in a plane perpendicular to the central ray of the radiation beam prior to impingement upon the patient (col. 7, lines 5-37)."

However, examination of col. 7, lines 5-37, along with figures 3 and 4, clearly review that this is not the case. Col. 7 lines 16-18 state that "Each ray 28 generated by the shutter system 22 passes through the patient 17 ... to be detected by post-patient radiation detector 53". Examination of Figure 3 clearly shows that the patient 17 is in between the source of x-rays 12 and the detectors at 53. Examination of Figure 4 shows the same geometry. Further, the detectors at 53 are distributed upon an arc whose center is at the source of the x-ray source. Further, these detectors only measure a fan line of the x-ray beam. The tomotherapy machine described by Olivera et. al. is significantly different from gantry mounted radiotherapy machines for which our quality control process was